

Myrtle W. Orndorff to be postmaster at Wardensville, W. Va. Office became Presidential July 1, 1937.

Thelma P. Forbes to be postmaster at West Liberty, W. Va. Office became Presidential July 1, 1937.

WISCONSIN

Haylor G. Koziczowski to be postmaster at Amherst Junction, Wis. Office became Presidential July 1, 1937.

Archie L. Foley to be postmaster at Dalton, Wis. Office became Presidential July 1, 1937.

Kenneth E. Whistler to be postmaster at Downing, Wis. Office became Presidential July 1, 1937.

Lester H. Olsen to be postmaster at Egg Harbor, Wis. Office became Presidential July 1, 1936.

Winfield A. Rogers to be postmaster at Ellison Bay, Wis. Office became Presidential July 1, 1937.

George H. Reinders to be postmaster at Elm Grove, Wis. Office became Presidential July 1, 1937.

Ludy J. Drolson to be postmaster at Lake Nebagamon, Wis., in place of E. L. Persons, resigned.

Charles D. Cross to be postmaster at Larsen, Wis. Office became Presidential July 1, 1937.

Jennie Ruid to be postmaster at Loretta, Wis. Office became Presidential July 1, 1937.

WYOMING

Eva I. Fleenor to be postmaster at Fort Laramie, Wyo. Office became Presidential July 1, 1937.

Richard M. Turner to be postmaster at Frontier, Wyo. Office became Presidential July 1, 1937.

Ina E. Gentry to be postmaster at Lance Creek, Wyo. Office became Presidential July 1, 1937.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 19 (legislative day of November 16), 1937

FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS

Maurice E. Gilmore to be regional director, region I.

Robert A. Radford to be regional director, region IV.

Claude C. Hockey to be regional director, region VII.

WORKS PROGRESS ADMINISTRATION

Robert J. Dill, of Florida, to be State administrator in the Works Progress Administration for Florida.

HOUSE OF REPRESENTATIVES

FRIDAY, NOVEMBER 19, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Spera Montgomery, D. D., offered the following prayer:

We thank Thee, our Father in Heaven, that Thou hast made it easy to believe in Thy love and mercy. We unveil the cross and behold divine love struggling for expression. Do Thou increase the power of our faith and trust. We are fashioned and shaped by the things we love and serve. Somewhere in the secret of every soul is the hidden gleam. O kindle it anew that it may flame forth into better lives. How beautiful upon the mountain are the feet of Him that bringeth good tidings, that publisheth peace. Blessed Lord God, whatever breeds bitter things and hardens the human heart, wherever poison stalks in human veins, O Son of Man, come with all Thy quickening power and show Thyself as Lord over all. In Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. DIES. Mr. Speaker, I ask unanimous consent that after the disposition of the business on the Speaker's table and the special orders of the day I may proceed for 30 minutes on the wage and hour bill.

The SPEAKER. The gentleman from Texas asks unanimous consent that at the conclusion of the remarks of the gentleman from Texas, Mr. LUTHER A. JOHNSON, he may address the House for 30 minutes. Is there objection?

There was no objection.

Mr. RICH. Mr. Speaker, I ask unanimous consent that after the special orders heretofore granted I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAUTHOFF. Mr. Speaker, I send a joint resolution to the Clerk's desk, and ask for its immediate consideration.

The SPEAKER. The gentleman from Wisconsin asks for the immediate consideration of a joint resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That a state of war now exists between China and Japan; and be it further

Resolved, That the President of the United States be apprized of that fact.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. LUTHER A. JOHNSON. Mr. Speaker, I object.

EXTENSION OF REMARKS

Mr. SHANNON. Mr. Speaker, on yesterday the House granted me unanimous consent to extend my remarks and to include therein a sermon delivered by Alexander Campbell in 1848 at Wheeling, then Wheeling, Virginia, now West Virginia. I have since received an estimate from the printer as to what the extra cost would be, and I therefore renew my request for permission to extend my remarks as indicated.

Mr. RICH. Mr. Speaker, reserving the right to object, I would like to know what the extension is going to cost.

Mr. SHANNON. The cost will not be any more than what is authorized under the rules.

Mr. RICH. I appreciate that; but the Public Printer has given the gentleman an estimate of what the cost will be, and I would like to know what it is. I notice that the estimate is \$248; it must be a pretty good speech.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. KNUTSON. I object, Mr. Speaker, for the time being.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. The Chair will state to the gentlewoman from Massachusetts that under the previous order of the House the gentleman from Texas [Mr. LUTHER A. JOHNSON] is entitled to recognition at the conclusion of the consideration of matters on the Speaker's table. Does the gentleman from Texas [Mr. LUTHER A. JOHNSON] yield?

Mr. LUTHER A. JOHNSON. I yield to my colleague.

Mrs. ROGERS of Massachusetts. Mr. Speaker, it will be perfectly satisfactory if my request may be granted to follow the gentleman from Texas.

The SPEAKER. There are other special orders already entered.

Mrs. ROGERS of Massachusetts. Then I shall accept the gracious yielding of the gentleman from Texas.

The SPEAKER. The gentlewoman from Massachusetts asks unanimous consent, despite former special orders, to address the House for 5 minutes at this time. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I have introduced two resolutions today, one of them asking that

all negotiations with Czechoslovakia and the British Empire be suspended until after the cost of production of commodities affected by the reciprocal-trade agreements, both at home and abroad, have been ascertained.

Mr. Speaker, I voted against reciprocal-trade agreements. I felt at the time they were very dangerous and were likely to be advantageous to foreign countries rather than to our own. It seemed that these treaties would destroy the policy of protection built up for 150 years, the American policy which gave our workers the best living conditions and highest wages in the world. Today, Mr. Speaker, I see very grave signs and I believe we shall have very grave repercussions through these industrial leagues of nations in other ways. For instance, it is a step towards a League of Nations joined by President Wilson and repudiated by Congress.

I pointed this out to the House on Tuesday last. You can see the significance, Mr. Speaker, of industrial leagues of nations or industrial pacts. If Great Britain, for instance, wishes to get into difficulty with Japan, and if we have an industrial trade agreement, it will be very easy for us also to become involved in difficulties with Japan. That may well lead us to a league of nations against Japan.

Mr. Speaker, I believe the people of this country do not want the United States to help other nations of the world fight their battles. We are concerned in keeping our peace with the nations of the world, not in interfering with them, and not in fighting their battles. Today thousands of people are out of work. It does not seem healthy for our workers or for the country to have our imports greatly exceed our exports, to send money abroad in foreign purchases to the people of foreign nations to pay their workmen while our people are out of work. Money is going to other nations of the world whose people are employed. Our people feel very bitterly about this condition. I trust, Mr. Speaker, that my resolution will be adopted.

The other resolution provides for an investigation under section 336 of the Tariff Act, regarding the difference in cost of production of articles made of cotton cloth at home and abroad. I earnestly hope the House will adopt this resolution.

I accuse the administration of taking away work from the people by its methods, perhaps with good intentions. Of course, I have no doubt of that; it would not be humane to want to hurt employment, and some of the administration measures have been fine, but as a result of some of them, our people are unemployed. I hope the Members of the House will join with me in this. I know the workers from their sections of the country have written to them as the workers in my section of the country have written to me, complaining about this condition. We talk about helping the workers. Yet we have attacked business so much—I do not mean we in Congress, but I mean the administration—that business has become timid. Business cannot proceed under legislation that hamstring it. Business cannot proceed and give labor work if we are constantly attacking business, holding it up to scorn and vilification. I hope the Members will join with me in trying to aid business and protect it. I know they are just as vitally interested in helping the people as I am. I am not speaking for business alone, Mr. Speaker, I am speaking for the workers. They go hand in hand. You cannot injure one without hurting the other. I do not know why they have been discriminated against for the past 4 years. Never before in our history has any administration attacked business and tried to curb it and create prejudice in the minds of the people against it, and in so doing the administration is only hurting our workers, taking the bread and butter out of the mouths of the people in your district and in mine. Mr. Speaker, I earnestly hope my resolution will be adopted. [Applause.]

The SPEAKER. The time of the gentlewoman from Massachusetts has expired.

EXTENSION OF REMARKS

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a speech delivered by Mayor Edward J. Kelley, of Chicago, at

the conference of mayors, held in the Mayflower Hotel last Tuesday and Wednesday.

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, I reserve the right to object. Is it going to be the policy of the majority to allow every speech delivered by every personal friend of every Member of this House to be inserted in the CONGRESSIONAL RECORD? However, I have just been informed that the speech is already in the RECORD.

Mr. SABATH. Oh, is it? Then, Mr. Speaker, I withdraw my request.

Mr. SNELL. Mr. Speaker, I think we ought to know what is to be the policy of the majority in this respect. The gentleman from Illinois got the best of me, and I apologize. I think the policy should be settled so that this matter will not be brought up every few days. It is up to the majority to protect the CONGRESSIONAL RECORD, and I call on them to do it.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAYBURN. Mr. Speaker, the gentleman from New York [Mr. SNELL] will remember that this same matter was under consideration during the last session of Congress.

Mr. SNELL. I do.

Mr. RAYBURN. At that time I stated that I was going to urge on our various committees that handle these matters to come to some agreement. I do not like to get up and object to a Member of the House extending his remarks in the RECORD by his printing a speech—although I do want to protect the RECORD—and then find out the next morning that it appears in the RECORD, the same having been put in in another body. I trust that our Joint Committee on Printing will, if necessary, bring in a resolution in both the House and the Senate settling this question, so that everyone in each body will be treated alike.

Mr. SNELL. I think that is a wise suggestion, and I thank the gentleman.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a very inspiring address delivered on Armistice Day by the gentlewoman from New York [Mrs. O'Day].

The SPEAKER. Is there objection?

There was no objection.

Mr. DEMUTH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a radio address delivered by me under the auspices of the Woman's Auxiliary of the American Legion.

The SPEAKER. Is there objection?

There was no objection.

Mr. MAHON of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to insert an address made this week at the Department of Agriculture by A. Frank Lever, who was for 18 years a Member of this House. The speech was made upon the occasion of the dedication of the James Wilson and Seaman A. Knapp Memorial Arches. Dr. Bradford Knapp, the distinguished son of Seaman A. Knapp, is now president of Texas Technological College, at Lubbock, Tex., in my congressional district.

The SPEAKER. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address delivered over the radio by the Secretary of the Interior concerning western development.

The SPEAKER. Is there objection?

There was no objection.

NEUTRALITY

The SPEAKER. Under the previous order of the House, the gentleman from Texas [Mr. LUTHER A. JOHNSON] is recognized for 20 minutes.

Mr. KNUTSON. Mr. Speaker, will the gentleman from Texas yield?

Mr. LUTHER A. JOHNSON. Provided it is not taken out of my time; not otherwise.

Mr. KNUTSON. I ask unanimous consent to proceed for just a moment, in view of the extraordinarily high caliber of the remarks—

The SPEAKER. Let us get the parliamentary situation adjusted. The Chair will state that the gentleman from Texas [Mr. LUTHER A. JOHNSON] is entitled to the floor.

Mr. LUTHER A. JOHNSON. I refuse to yield if it is to be taken out of my time.

The SPEAKER. The gentleman from Texas is recognized for 20 minutes.

Mr. LUTHER A. JOHNSON. Mr. Speaker, the season of the political sniper is at hand. Our Republican friends are at last finally beginning to emerge from the storm cellar where they took refuge after the elections of 1932 and 1936 and, emboldened by the decline of the stock market, are criticizing and condemning everybody and everything connected with the Roosevelt administration.

These faultfinders claim that everything that has been done to bring us out of the depression was wrong and everything that is now proposed is illegal, unwise, and unsound. Not content with attacking the legislative and domestic policies of the administration but wishing still further to raise a smoke screen to obscure the recovery that has taken place since 1933, these critics are now resorting to an attack upon our President and his able and distinguished Secretary of State, Hon. Cordell Hull, by charging that they have ignored and repudiated the neutrality law passed by Congress at the last session, with reference to the conflict now in progress between China and Japan.

The gentleman from New York [Mr. FISH], always partisan and constantly caustic and critical of President Roosevelt, a few weeks ago in the public press declared that the President should be impeached, but since Congress has convened he has offered no articles of impeachment, knowing full well that such charge could not be sustained, but has contented himself with making a 20-minute speech of denunciation in the House day before yesterday. Of course, he had no idea of offering impeachment charges; but this secured a headline for his interview, and that was eminently satisfactory to the gentleman from New York. [Laughter and applause.]

Upon the conclusion of the speech of the gentleman from New York [Mr. FISH], the able chairman of the Committee on Foreign Affairs [Mr. McREYNOLDS] immediately made reply thereto, and, I think, fully and completely answered the charges and demonstrated to the House that the charges were unfounded and unjust and that the President and his Secretary of State had not violated the law in any particular, but had acted for the best interests of the country and for the preservation of peace.

Yesterday, however, another member of the opposition party, the gentleman from Illinois [Mr. DIRKSEN], spoke and attacked, but without any degree of success, the speech of the chairman of the Committee on Foreign Affairs, and I think his speech was designed probably to do three things, as best I could interpret it. One was to justify his vote against the neutrality law; second, to condemn the President; and, third, to criticize the speech of the chairman of the Foreign Affairs Committee. The gentleman from Illinois, being a good spellbinder, was evidently drafted for this occasion, and, while he is usually eloquent and convincing, in this instance I think he failed in all three of his objectives.

He did succeed, however, in accomplishing this, for which I congratulate him: He answered the speech of his colleague [Mr. FISH] of the day before by showing that Mr. FISH did not know what he was talking about with reference to the neutrality law. So against Mr. FISH, of New York, I put Mr. DIRKSEN, of Illinois. One says that the law was mandatory and the President had no discretion. In order that I may be accurate, I have marked—and I want to read from the RECORD, because I certainly want to be fair to these gentle-

men. This is what the gentleman from New York [Mr. FISH] said in his speech:

The measure—

Referring to the neutrality law—

stated specifically that when a state of war existed the President shall, not may, but shall, declare the neutrality bill in effect. There can be no quibbling about this.

Now, evidently after the gentleman from New York made his speech and Chairman McREYNOLDS had made his reply, my friend from Illinois, in order to know he was right, read the neutrality law, and found that the gentleman from New York was wrong and that the gentleman from Tennessee [Mr. McREYNOLDS] was right, so this is what Mr. DIRKSEN said:

The gentleman from Tennessee [Mr. McREYNOLDS] said and said at the outset of his remarks that the President has acted within his legal authority under the neutrality law. That matter is not in question.

Now, if it is not in question, what is in question? The gentleman from New York [Mr. FISH] says the President ought to be impeached because he has violated the law and has not observed it, and that the President has no discretion; that action on his part is mandatory, and he shall declare the neutrality law in effect against Japan and China. The next day the gentleman from Illinois [Mr. DIRKSEN] says that is not involved; that there is no question but what the President has discretion, but that the President has unwisely exercised that discretion in not invoking the neutrality law. I think in all fairness to the gentleman from Illinois that I would rather risk the judgment of the President of the United States and the Secretary of State, who have given serious study and thought to this subject, than to risk the offhand opinion of the gentleman from Illinois that the President has not exercised good judgment in not invoking neutrality against China and Japan.

There has been a great deal of loose talk both in Congress and out of Congress, over the radio and in the press, based upon loose thinking and misinformation as to the terms of the neutrality law and its provisions. I think that those who so criticize the President and the Secretary of State should first read the act in question. They should at least analyze its provisions, and they should put themselves in the place of the President of the United States and the Secretary of State, charged with the responsibility of enforcing this law, and then after they have done that, if they can put their hands upon their hearts and say the law has been violated, then and not until then should they make the charge that the President has violated the law. They at least ought to know more about the subject than what they have read in the newspapers, and that is what most of this talk is based upon. They say that because the President invoked the neutrality law against Italy and Ethiopia and has not invoked it again China and Japan, it is evident that he is not neutral; that he is unfair; that there has been discrimination in one instance and not in the other. As pointed out by Chairman McREYNOLDS, the language of the act of 1935, under which the President invoked neutrality against Ethiopia and Italy is different from the language of the present law under which we act. Under the former law he had no discretion. It was mandatory. It was automatic, when war existed, or when fighting was taking place, to invoke neutrality. But under the present law there is no question, and the gentleman from Illinois [Mr. DIRKSEN] admits that the President has discretion under existing law to determine whether or not a state of war does exist.

When the Congress delegates to any official the right to determine the conclusion of a given state of facts, that gives him discretion and he can either find that a state of war does exist or does not exist. A great deal of confusion has arisen about what the term "state of war" means.

The gentleman from Wisconsin [Mr. SAUTHOFF] this morning, I believe, wanted to decide this question right now, let

the House pass upon it, and say there is a state of war and demand that the President act, or at least tell him there is a state of war. The President of the United States has as much information, and his able Secretary of State has as much information, as any Member of this House, and I dare say as much information as all Members of the House. The President knows that the responsibility of directing the foreign affairs of this Government rests upon him and his able Secretary of State; and no one who knows Cordell Hull will ever charge that he is not conscientious to the last degree in deciding and passing upon a matter that determines the peace or war of this Nation; and no one who knows the President will charge that anyone is more devoutly anxious to preserve the peace of this Nation than our great President.

Mr. EATON. Mr. Speaker, will the gentleman yield?

Mr. LUTHER A. JOHNSON. Not if the gentleman will kindly permit me to proceed.

Mr. Speaker, I have heard in various discussions at previous sessions on the subject of neutrality by some of the Members who are now criticizing the President give quotations from a great and eminent authority on international law, John Bassett Moore. I wish my eminent friend the gentleman from Massachusetts [Mr. TINKHAM] were here this morning. I have heard him quote Mr. Moore as an authority often; likewise I have heard the gentleman from New York [Mr. FISH] quote the same authority. We are all agreed that there is no higher authority on international law than John Bassett Moore, and to his very able work which he prepared on the subject, *Digest of International Law*, I now refer. I shall quote from his words defining a state of war. What is a state of war is not a matter for popular opinion; it is a matter of law; it is a matter that must be legally determined. Here is what John Bassett Moore, on page 153, in his *Digest of International Law*, writes with reference to the definition of a state of war:

Much confusion may be avoided by bearing in mind the fact that by the term war is meant not the mere employment of force, but the existence of the legal condition of things in which rights are or may be prosecuted by force. Thus, if two nations declare war—

Declare war—

one against the other, war exists though no force whatever may as yet have been employed. On the other hand, force may be employed by one nation against another, as in the case of reprisals, and yet no state of war may arise. In such a case there may be said to be an act of war, but no state of war. The distinction is of the first importance, since, from the moment when a state of war supervenes third parties become subject to the performance of the duties of neutrality as well as to all the inconveniences that result from the exercise of belligerent rights. One of the most remarkable illustrations of the distinction here pointed out—

I am still reading from Dr. Moore. The gentleman from Minnesota seems to think it is a joke, but he evidently does not know the authority from which I read. This is not my language, I may say to my friend—

One of the most remarkable illustrations of the distinction here pointed out was the condition of things in China in 1900, when the armed forces of the allies marched to Peking and occupied parts of the country without any resultant state of war.

May I not point out that in law there is a difference between a state of war and an act of war or a condition of war, and point out furthermore that the chief difference and the chief value in this definition is not as between the belligerents themselves but as regards the rights of other nations, as Dr. Moore so well said. The distinction is of first importance since from the moment when a state of war supervenes third parties—we are third parties—become subject to the performance of duties of neutrality as well as to the inconvenience that results from the exercise of belligerent rights; in other words when a state of war exists, then the rights of third parties are restricted and the rights of belligerents are expanded by international law. Belligerents have the right to declare search and seizure, they have the right to declare blockades, they have the right to declare various rights given them under international law. Had the countries of the world recognized that there legally existed a state of war between China and Japan then the rights of our coun-

try and the rights of the other nations of the world would be restricted in the use of ports in travel over the high seas, and in protecting the extraterritorial rights existent in China.

Let us see what the facts are. China has not declared war; neither has Japan. China has not severed diplomatic relations with Japan, and neither has Japan severed diplomatic relations with China; the Minister, the consuls, the official representatives of the two countries are still in each other's country; they have not been recalled. There are 65 other nations of the world. They have not recognized that a state of war, as legally defined, exists in those countries, and therefore the rights of our country and all other countries is not curtailed by rules governing in time of war.

The President has the right either to recognize that a state of war exists or does not exist. He followed the example set by the belligerents themselves and the other 65 nations of the world, and has not legally found a state of war to exist, and he had the right to do so under the law. There are two questions involved; one is a question of law, which I have discussed, and the other is a matter of policy. Having determined that under the law he has a right not to find a state of war exists, the question then arises whether as a matter of policy it was best so to do.

The facts are that China and Japan for many, many years on scores of occasions have had conflicts between them; they have had various fights, sometimes ending suddenly. China and Japan occupy positions different from those of European countries in that the other countries of the world, realizing the unsettled conditions existing there and the likelihood of conflict, have secured for themselves extraterritorial rights—rights they do not have or exercise in the other countries of the world. When this conflict broke out there were 10,000 American citizens living in China.

Today it is estimated, as I understand it, that 6,000 still remain there. We have our extraterritorial rights with reference to the occupation of the harbor and the port, as well as that section of the foreign settlement designated and set apart for the United States of America.

What would have been the result if the President had said, "I will recognize that a state of war exists between these two countries," in the face of existing conditions and in direct conflict with the attitude of the other nations of the world? It would have meant that Japan or China would have had the right to say to us, "Get out of here. We will invoke a blockade and we will invoke the right of search and seizure. You get out. You are in an entirely different position from any other nation on earth." That would have had a tendency to have involved us in a war. In other words, the President was absolutely right in refusing to recognize that a state of war did exist; and as a matter of policy, and as a matter of preservation of peace, he has followed a policy calculated to keep us out of difficulties, and he has acted just as he should have acted. [Applause.]

Mr. McREYNOLDS. Will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield to the gentleman from Tennessee.

Mr. McREYNOLDS. I notice in yesterday's *RECORD* that the gentleman from Texas [Mr. MAVERICK] said that on one occasion we jammed through a neutrality bill in 40 minutes, which is correct. He said further that there had been no discussion of neutrality questions in this House. May I ask if 10 hours of debate was not given to the last neutrality bill, in addition to the hour allowed for consideration of the rule?

Mr. LUTHER A. JOHNSON. My recollection is that the gentleman states the time allowed correctly, because we did have unlimited debate practically.

Mr. MAVERICK. Will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield to the gentleman from Texas.

Mr. MAVERICK. I remember now that we had adequate discussion on the last neutrality bill, although one only had 40 minutes on the first. But I still say that, considering the great importance of the subject, we have not had adequate

discussion with reference to foreign affairs matters. May I ask one question of the gentleman: Is there a war between Japan and China or not?

Mr. LUTHER A. JOHNSON. The gentleman can answer that question for himself. There is no state of war existing as found by the President, and that determines the legal rights of this country.

The President has done, I believe, as much as he should or could do. With a view to carrying out the spirit of the act to the extent that seemed reasonably warranted, he has announced that Government-owned ships shall refrain from transporting arms, ammunition, and implements of war to either Japan or China, and that other American vessels will engage in such trade at their own risk. This he considered was as far as it was prudent for him to go.

Mr. EATON. Will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield to the gentleman from New Jersey.

Mr. EATON. It would greatly clarify the situation if the gentleman would read from the act itself the provision governing the action of the President in taking this initiative. Just what is the language?

Mr. LUTHER A. JOHNSON. I will be glad to read that.

[Here the gavel fell.]

Mr. EATON. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for an additional 5 minutes.

The SPEAKER pro tempore (Mr. Thompson of Illinois). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LUTHER A. JOHNSON. In answer to the question asked by the gentleman from New Jersey [Mr. Eaton] as to the language of the act involved in the controversy I read:

Whenever the President shall find that there exists a state of war.

Whenever the President finds there exists a state of war. The courts have held with reference to delegation of authority to any official, either Federal or State, and I think this doctrine has been settled by the courts, when we delegate to any official the right to find a conclusion that gives him the right to find or not to find and leaves the matter up to his discretion and judgment. That is what has been done in this case. The language of the other act was different in that regard. The Supreme Court of the United States, in the Curtiss-Wright case, last December, well said:

Practically every volume of the United States Statutes contains one or more acts or joint resolutions of Congress authorizing action by the President in respect of subjects affecting foreign relations, which either leave the exercise of the power to his unrestricted judgment or provide a standard far more general than that which has always been considered requisite with regard to domestic affairs.

Mr. KNUTSON. Will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield to the gentleman from Minnesota.

Mr. KNUTSON. Does the establishment of a blockade on the part of one country against another constitute an act of war?

Mr. LUTHER A. JOHNSON. The blockade the gentleman refers to is a blockade that has been invoked by Japan against China only.

Mr. KNUTSON. Yes.

Mr. LUTHER A. JOHNSON. But if we had declared that a state of war exists, then they would have had the right to declare a blockade against all of our ships and not against China alone. In other words, the enlargement of the power to blockade would have then existed against our country.

Mr. KNUTSON. Japan has declared a blockade against the ships of all countries.

Mr. LUTHER A. JOHNSON. Against China only.

Mr. KNUTSON. Against the ships of all countries entering Chinese ports.

Mr. LUTHER A. JOHNSON. The gentleman is entirely mistaken. Neither Japan nor China has declared a blockade against the United States or any other country. Japan has

declared a blockade against China and many of its ports, but not against any other country.

Mr. KNUTSON. I do not think I am mistaken.

Mr. LUTHER A. JOHNSON. I have investigated the facts, and I know the gentleman is wrong.

Mr. CULKIN. Will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield to the gentleman from New York [Mr. CULKIN].

Mr. CULKIN. I note that the distinguished chairman of the Foreign Affairs Committee stated that as far as the Congress is concerned it has absolutely nothing to do with foreign relations.

Mr. LUTHER A. JOHNSON. I do not think the gentleman said that.

Mr. McREYNOLDS. The gentleman from New York had better read again.

Mr. CULKIN. And the gentleman has practically reasserted that doctrine now. May I suggest to the gentleman a reading of section 8 of article I of the Constitution; also of section 2 of article II.

Mr. LUTHER A. JOHNSON. I would rather the gentleman would ask a question instead of telling me what to read, because my time is limited.

Mr. CULKIN. I cannot let that statement go without protest.

Mr. LUTHER A. JOHNSON. All right; let it go. The gentleman has a right to protest, but not to make a speech on my time.

Mr. CULKIN. Either the President or the Secretary of State has the right to drag us into war, and this, in my opinion, is what they are doing.

Mr. LUTHER A. JOHNSON. The gentleman has the right to his opinion, of course, but I think he is entirely wrong; and, if he will investigate the law and existing conditions, I think that he will so agree.

Mr. McREYNOLDS. May I say that the gentleman has a right to his opinion, but he has no right to misquote what we say on this floor, and that is what the gentleman has done. I suggest that the gentleman look in the RECORD and see what the statement really was.

Mr. CULKIN. I heard the statement.

Mr. LUTHER A. JOHNSON. I decline to yield further.

The regular order was demanded.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield to the gentleman from Michigan.

Mr. MICHENER. It seems to me there is a lot of tempest in a teapot about this. If you will go back and read the very illuminating and extensive argument and debate when the neutrality bill was before the House there can be no misunderstanding.

I sometimes find fault with the amount of time allowed for debate, but you will find I stated that was one occasion when we had sufficient debate. In that speech I quoted the gentleman who is now speaking—because I spoke later—and quoted his reasons, making it very clear to the House and to the country that there was a discretion granted, and that the whole thing was up to the President to determine when war existed.

It seems we are now going far afield when we criticize anything other than whether or not the President has exercised proper discretion, because the gentleman who is now speaking stated at that time that we could not tell what kind of a war might occur, and that we were going to have to leave the whole thing to the President. The real fight was against the discretion given the President. The gentleman from Texas is one of the best informed men in the House on foreign affairs, but I think the gentleman is a little at fault when he attempts by legalistic language to interpret a law as the President states the Constitution should not be interpreted, that is, from a legalistic standpoint.

Mr. LUTHER A. JOHNSON. I did not yield for a speech, I may say to the gentleman, but for a question.

Mr. MICHENER. If the President will use common sense and common knowledge and not legalistic interpretation, then he will find a war exists.

Mr. LUTHER A. JOHNSON. I think he has used a great deal of common sense and has acted not only for the best interest of the country, but to prevent our country from becoming involved in war.

[Here the gavel fell.]

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent to proceed for 1 additional minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LUTHER A. JOHNSON. The position I want to make clear is that the President has, I believe, exercised his very best judgment in a very difficult situation to protect the rights of our people in China and our rights in preserving peace and preventing our involvement. I think it behooves the American people, and the Congress of the United States in particular, not to show divided ranks among ourselves with reference to foreign affairs. It is all right to divide among ourselves with respect to our domestic problems and policies, but when we show we are widely divided on questions concerning our policy with respect to other countries, the effect is bound to be harmful upon our standing with the other nations of the world. For the peace of America and for the preservation of our rights, let us be less critical of the President, and let us sustain him in his effort to keep us out of war. [Applause.]

[Here the gavel fell.]

The SPEAKER pro tempore. Under the previous order of the House the gentleman from Texas [Mr. DIES] is recognized for 30 minutes.

Mr. DIES. Mr. Speaker, I desire to address myself this afternoon to the very controversial subject of the wage and hour bill. In what I shall say may I make it clear that I do not wish to cast any insinuations upon any Member or to be guilty of any intolerance in not being willing to accord to my colleagues their undoubted right to do what they believe is right. I hope the time will never come in my public career, whether it lasts a long or short time, when I shall become so intolerant and so illiberal that I cast insinuations upon the motives and conduct of my colleagues because I happen to disagree with them. The very essence of liberalism is tolerance. No man can arrogate to himself the label of liberalism who is so intolerant and so bigoted in his views and his conduct that he questions the sincerity of the motives which actuate others, who have minds of their own and have the same right to reach their own conclusions.

I have heard considerable criticism directed at the Committee on Rules because of its action, or, rather, lack of action, with respect to the wage and hour bill. I am, of course, not authorized to speak for any other member of this committee, neither do I propose to enter into any defense, but I do intend to make clear my own position as a member of the committee. I do not seek to escape any responsibility. I have announced, and I announce today, that had that measure come before us I would have voted against the rule.

I know there are those who are now asserting that our committee is seeking to assume an arbitrary and dictatorial position. What are the functions of the Committee on Rules? There are some who say we should do what the leadership of the House or the administration wants us to do. While I believe we should cooperate with the leadership, I do not concede that to be the duty of this committee under all circumstances. I believe the committee is the servant of the majority of the House, and that it is our duty as members of the committee to carry out the will of the majority of the House. I did not believe last session, and I do not believe now, that a majority of the membership of the House want the present Black-Connery bill to come before the House for consideration. At the last session there were certain proponents of this misnamed measure who stated that

the majority was eager for this measure to come before the House. Tremendous pressure was brought to bear to bring about a Democratic caucus for the purpose of taking official action directed at our committee. Every sort of political pressure I have ever seen exerted since I have been a Member of the House was then exerted. Even the head of the Committee for Industrial Organization was reported by the newspapers to have stood without the Chamber and button-holed Members, asking them to attend the caucus.

We all know what happened. Not even a majority of the Democratic membership, who we were told were clamoring for this measure, attended the caucus. I know that we southern Members and some of us from the East and the West who did not attend that caucus were criticized for not having done so, but we had a right to express what we believed to be true; namely, that a majority of the House did not want the measure to come before the House at that time for consideration.

The very fact that a majority of the Members, not from the South only but from every section of this Nation, refused to attend a caucus, to my way of thinking demonstrated that we were right; but whether that be true or not—

Mr. WOOD. Mr. Speaker, will the gentleman yield?

Mr. DIES. Let me finish my speech, please. The gentleman has certain definite views and I respect his views. I could not change his views and he could not change mine.

Mr. WOOD. Just as a matter of information.

Mr. DIES. Regardless of whether that is true or not, we have a method in this House to determine whether or not committees are correct—

Mr. WOOD. Mr. Speaker, will the gentleman yield for a question.

Mr. DIES. I will appreciate it if the gentleman will let me continue.

I recall that when the bonus bill was before the Congress, the administration did not want a rule on that measure and the leadership did not want a rule. I recall that our committee was requested to stymie that bill, and I recall that we refused to report out a rule, although I was in favor of a rule at that time. Nevertheless, a majority of this House petitioned that measure out on the floor and it was passed, and eventually, became a law.

I recall that when the Frazier-Lemke bill came before the House, through a petition, at the behest of the leadership we stymied that measure.

I recall that when a bill introduced by the gentleman from Massachusetts directed at un-American activities came before our committee, certain so-called liberal Members of this House—and I say this not by way of disparagement of them; they are pleased to classify themselves as liberals and the rest of us as reactionaries; it has always been that way; man loves to adorn himself with terms and phrases that flatter his vanity—certain Members who classified themselves as liberals came to me and other members of the committee and asked us to stymie that measure.

So it all depends upon whose ox is gored. I also recall very well that when the rule came up to abolish the requirement of 145 signatures and to make it 218, as I recall, although I am not certain, I voted against the 218, and I also signed a petition to discharge the committee on the Frazier-Lemke bill because I was convinced that a majority of this House wanted to vote on that measure.

So those who condemn the Rules Committee for its action with respect to this measure, the same ones who are now so vehement in their denunciation, tomorrow, when some other measure is before the committee which they do not like, will come to the members of the Rules Committee and pat us on the back and say, "Old boy, kill that bill; we do not want it."

Now, may I say to the House, frankly, that a large number of Members have come to members of our committee, at least I know they have come to me—not Members alone from the South but Members from every section—and they have said to me, "Do not bring out that wage-hour bill"; and some

went so far as to say, "I may be compelled to vote for it, but that measure is so ill-prepared and so half-baked, please do not bring it out."

So I have reached a conclusion, which may not be correct, but nevertheless it is my conclusion, that a majority of this House do not want to vote on this particular measure. If they do, the petition is on the desk and they have their remedy.

Now, may I say with respect to this measure, as I have often said, I think the greatest evil which confronts this democracy is the trend toward bureaucratic government.

I recall that when our great President was nominated in 1932, the platform of my party denounced what was termed to be the greatest evil that confronted the Nation, and that was the growing bureaucracy in the United States. I recall that my President took occasion to denounce bureaucracy and I, as a very humble member of the party, went out on the highways and byways and spoke in behalf of that party, and I took occasion to lash at bureaucratic government, government by supermen. I termed it then as the very antithesis of true democracy. I pledged myself that I would do all within my power to check what I considered to be a definite trend toward fascism in the United States.

We have, over a long period of time, under both Republican and Democratic administrations, increased bureaucracy until, today, we are superimposing upon our democratic structure a gigantic and crushing bureaucracy which, under my interpretation, is the twin brother of fascism. I can see no distinction—at least there is none in my mind—between the fascistic states in Italy and in Germany and a condition in America where a large number of the important functions of government shall be wielded, not by Congress, not by any agency directly responsive or responsible to the will of the people, but functions of far-reaching importance, daily and hourly performed by men whose names are unknown, men who treat Members of Congress with utter contempt, men who come into my district with an arrogance that is almost akin to autocracy and insult my constituency. Then when I protest against it, I am treated as you are treated, with utter contempt, for they realize that you have nothing to do with their appointment or with their removal, that your protest is like a passing breeze that does not even make the leaves of a tree flutter. So, to my way of thinking, a democracy cannot survive when the legislative branch, upon every possible occasion, delegates its functions to bureaus, to boards, and to commissions.

In my own section of the State of Texas we have had unpleasant experiences with bureaucrats. In the first place, I have found many incompetent, incapable men, who, by no merit of their own, could ever achieve appointment, but through political preferment from some source, they have risen to positions of power, riding over the United States, expending enormous sums of money. I drive in my car to Washington, while they ride in a stateroom at Government expense. I recently saw figures of some of the enormous funds that are being expended by these same bureaucrats. I have had a long experience in Washington. My father was in Congress for 10 years, and I have been in Congress almost 8 years, making in all an experience here of 18 years, and I have seen the steady growth of bureaucracy, of centralized government, and have heard the clamor that we must direct all human activities from Washington. Then when I go into my district I see under the Home Owners' Loan Corporation some mortgage companies dumping worthless property on the Federal Government, and I see public funds misused. Oh, I am not criticizing anyone, certainly not the President or this Congress. We did what we thought was right, and what we did, in my judgment, was absolutely necessary, but to my way of thinking there must be an end to this so-called emergency. It cannot last forever. Men cannot use it as a pretense to further build up bureaucracy and centralization and further increase expenditures of the Government until the Federal Government becomes a huge

octopus sucking the vitals of every business and human enterprise.

There must be a time when the fire is extinguished, when we cease destroying adjoining buildings and structures upon the ground that the fire might spread. There must come a time when you and I must assume our legitimate responsibility under the Constitution and legislate, not by directing some agency or board to do something, as we do in this so-called wage and hour bill, but by saying to ourselves, Can we write a definite law? If we can, then let us write it and say what the wages and hours shall be, but if the subject be too intricate, too complicated for the Federal Government, then why not acknowledge this fact and stop humbugging and demagoging from one end of the country to the other and telling people that we are going to lift them from the mire of poverty by legislative decree alone and place them on some great plane which they will never reach by legislation. [Applause.]

Mr. Speaker, this may not be popular, but I said frankly to my constituents this summer that in my judgment a Member of Congress was utterly of no value who was always dodging and ducking and crawling, who was always living in fear that if he did not please this or that group he was going to suffer the great tragedy of being separated from the public trough, and I said to them definitely that the only Member of Congress who was worth a tinker's dam to the country and to his people is one who at least feels that some time he can say what he thinks and vote his honest convictions. [Applause.]

Now, what does this proposed wage and hour bill do? In the first place, it creates a board of five members. I do not know how they will be appointed. From past experience, I know that I will not have anything to do with their appointment nor anything to do with the appointment of any of their employees. Somebody else will appoint them, and whoever that is I do not know; but this much I know, that when this board is once created, and I pick up a telephone and call them, I shall be answered by some third assistant with a very arrogant voice when he finds out that I am a Member of the House. Once created, what do you do with the board? You first lodge in it a discretion. Oh, they deny this, but we who practice law know that generalities and verbiage are no checks on abuse by an administrative board, especially when we clothe language in generalities and the interpretation of that language is left to the board itself. Language is no obstacle in the way of what that board or that man wants to do. So, in the first place, we say to this superhuman board—this very thing we talked about in 1932, this thing of conducting government by supermen—we say to them, "You go out and determine what industries you are going to subject to wage and hour legislation." Oh, we say they have the discretion of determining whether or not the subjection of that industry to the wage and hour bill will curtail opportunities for employment. What does that mean?—"curtail opportunities for employment." Just a lot of verbiage, a lot of generality. It means nothing when placed in the hands of one who is not responsible to the people for his election and who never has to return to his constituency and report upon his activities and his conduct. [Applause.]

Then having lodged this power of discretion to do this thing, we exempt a large number of industries. Mind you, I am not condemning the Labor Committee. They are a group of conscientious, fine Members, who believe that they are doing right. They did the very best they could, no doubt, and I am not here condemning any one of them. As long as they accord to me the right to follow the dictates of my conscience, I am willing to give that privilege to them. But they exempted from this bill industries that are notorious in the payment of low wages and employment for long hours. No man can justify, on any kind of a wage and hour bill, the exemption of the canning industry or the Cottonseed Oil Trust or the packers, and other groups, who

today are paying notoriously low wages, and working their employees long hours. But those industries were exempted, no doubt with what seemed to be good cause and upon evidence that was submitted to that committee. Then after having made exemptions, after having lodged in this board of supermen the power to first direct what industries shall be subjected to this measure, what other powers does the board have? The board has the power to differentiate between sections, groups, industries, and occupations. The power to differentiate is the power to destroy. The power to exercise favoritism with reference to one industry as against another—oh, I know the idealists say they will not exercise favoritism, but let me say that since I have been in Washington I have found that a Senator with considerable power can secure a whole lot more consideration at the hands of any of these boards than a humble Member of the House like myself. [Applause and laughter.] So when men tell me that this board will not do these things, I say, "Well, what does the past show?"

Take the Interstate Commerce Commission, that some of you used as an illustration. That Commission has refused repeatedly to give my section of the country a fair deal. We can ship commodities from the East into my country for much less than we can ship products from my country into the East. They have built up a different rate scale that is utterly destructive of sound business. So when you say to me that this new board is going to be any different from the old boards, I am compelled by my observation and experience to be skeptical.

Therefore let me say to you that when you repose in a board of five men these enormous powers you confess your inability to legislate. You renounce your faith in democracy and accept what you decry and denounce, the very fundamental principle of fascism, which is government by men who are not responsible or responsive to the will of the country. [Applause.]

As I said, I am not condemning or criticizing. We passed through a terrific period. You and I were confronted with a situation which was unparalleled in the history of the country. We were compelled during the terrible strain of these conditions to repose considerable trust and to legislate by faith. We passed bills that were seldom read and few understood. The Congress was trusting someone else to perform our duty. But the time has now come in this Republic—and I believe that a majority of the thinking people of this country feel the way I do—when Congress must begin to devote serious thought and consideration to the writing of intelligent legislation. No one is disputing about the objectives. Every intelligent man is opposed to low wages. There certainly ought not to be any southerner who would justify a condition which will permit people to go into the South and work human beings long hours for starvation wages.

We all want to help the underprivileged in order that they may have something of the abundant life, but certainly the experience of other nations does not justify the belief that we can help them by pursuing un-American methods. When Hitler took charge in Germany he came into power with the aid of laboring people, to whom he promised bountiful blessings. He told them, as the alligator told the frogs when the alligator induced the frogs to elect him king in place of the log. He said, "You don't want an old log over here. It is cumbersome and it is bulky. It does not have vitality. Get an alligator to rule you." They got the alligator, and, of course, the alligator ate up all the frogs. So that has always been the history in other nations—that when we place our fundamental responsibility in the hands of others through trust and undertake to administer the affairs of the Nation by the creation of innumerable boards, bureaus, and commissions of all kinds and all character, with an army of paid parasites swooping down on the country like the locusts in the east, eating away all the vitality and creative energy of the people. Governments are like everything else. They are worth a certain amount; but a government can become too expensive. A government can become so extravagant that

it serves no longer the true purposes of government. When the time comes in a republic that the average man or average woman feels there is no use to work—"why should I undertake by my effort and by sacrifice and denial to accumulate something for old age or to achieve a place; we will let Washington do everything for us"—when that time comes your Government has ceased to be of any real or practical value to the American people.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. DIES. No. Let me finish my speech.

I do not wish to assume a lecturing attitude. I am not saying that the membership of this House deserves to be criticized, but I do say that the greatest enemy the President has in the world is the man who runs around all the time saying of some other Member, "He is not a good Democrat because he has not supported this measure."

I know the record of most of the Democrats in this House. You all voted against some administration measures when it pleased you to do so in response to what you thought was political expediency in your district. [Applause and laughter.] When Members have said to me, "You are not a good Democrat because you are not for the wage-hour bill," I have replied by asking, "How did you stand on the economy bill when you heard the clamor that came from home? How did you stand on this bill, that bill, or some other bill?" So the greatest enemy the President has is the one who advocates that to be a good Democrat you have to swallow everything and blindly follow the leadership of someone else. The truest friends the President has in this hour are those who have the courage to tell him the truth [applause], not those who seek constantly to flatter themselves that they can achieve political prominence by always running to the well of the House and pretending that they are defending the President and denouncing everyone else who has some different idea, those who advocate that to be good Democrats we must accept upon faith everything the President wants. The President knows very little about some of these bills; to my own way of thinking some of these bills have never been read by him, but some bureaucrat goes to some committee and writes a bill; it comes up on the floor with the label of the administration placed upon it, and every man who seeks to bring to the country his objections to the particular bill, not with the view of obstructing, not with the idea that he ought to place obstacles in the way of recovery, but through a sincere desire to have some little part in the administration and to do something to justify his seat in Congress—the man who undertakes to do his duty finds that there are those would-be friends of the administration who stand up and shake their holy locks and roll their pious eyes to high heaven and declare, "We have a traitor in our midst." [Laughter and applause.]

We will find out who are the President's friends pretty soon. The President is going to insist upon a balanced Budget; that is inevitable. In order to balance the Budget you are going to have to cut, and when you start cutting you are going to get a clamor from some of the voters in your districts that will reverberate from one end of the Nation to the other. I want to know how many liberals are going to go with the President along this rugged path. [Applause.] Oh, we are for the President when the President is going in our direction. It is easy to be with the President when he is spending money. Few people objected to this money proposition, because many people regarded it as necessary and because, of course, a lot of people think they do not have to pay it back; but when the awful hour comes, as come it will, and come soon it will, when you and I must face courageously our responsibility of paying up for what we have appropriated out of the Treasury, of balancing the Budget to prevent wild inflation, to protect the wages and purchasing power of these laboring people, we face a different proposition. We can do no greater good for these people than to stop the steady rise in the cost of living. [Applause.] When the time comes that we must protect that pay check, to see that that pay check is not diluted, not completely destroyed in purchasing power; when we are

called upon by our President to stand hitched and to pay up, to cut expenditures, to balance the Budget, I am wondering how many self-styled liberals will be found there when the roll is called. [Laughter and applause.]

I say this in a spirit of good will; not to be bitter or sarcastic. I say it because I am thoroughly fed up with some of these self-confessed friends of the administration, who run from the White House to Congress, here, there, and everywhere, seeking to place the brand of disloyalty upon some conscientious Member of this House who is seeking to do his duty in order that we may have a successful administration.

I was here under the Wilson administration. My father was in Congress then. He disagreed with Mr. Wilson on preparedness and the League of Nations, and they tried to beat him. A letter was sent to his district, but my father was returned by the people by a large majority. I recall that many Members at that time believed that any man who was not for the League of Nations was not a good Democrat; that was the test of loyalty. Today you cannot find a handful of Democrats who will admit publicly that they ever believed in the League of Nations. [Applause.]

The success of this administration will depend not wholly upon the President but largely upon you and me as well; for if he is to make a success, then we as legislators must help write practical, sensible, workable, understandable bills, and not some unintelligible jargon of 55 pages which no one who reads can understand. [Applause.]

[Here the gavel fell.]

The SPEAKER pro tempore. Under the previous order of the House the gentleman from Pennsylvania [Mr. RICH] is recognized for 15 minutes.

Mr. RICH. Mr. Speaker, the gentleman who just preceded me has stated in most eloquent words the things I have been trying to convey to you for several years. If I could bring the membership of the House to realize the seriousness of the speech just delivered by the gentleman from Texas, and if the membership would act in accord therewith, I feel it would be probably the most important thing one could do at this time. I believe it would be doing the Federal Government, as well as the people of the United States, more good than anything that could possibly transpire.

On Monday of this week the President of the United States sent an address to both Houses of Congress after deliberation of 33 days from the time he issued the call. I tried to answer one paragraph of that speech day before yesterday, in reference to Government finances. Today I want to refer to that speech and I will try to answer one question which the President asked. The question is as follows, and I quote:

Large savings in the cost of government can be made only by cutting down or eliminating Government functions. And to those who advocate such a course it is fair to put the question, "Which functions of government do you advocate cutting off?"

He has asked us a sensible question, and one which warrants a reply. If you will refer to pages 37 and 38 of the RECORD you will find there a statement by Senator BYRNES that we have 133 various departments of Government. And that is not all. If you will realize the fact that the present occupant of the White House has established over 50 bureaus, commissions, boards, agencies, and corporations since coming to the White House, you may wonder why the President made the statements he has and why he made the above request.

THE PROMISES

I am going to quote from speeches of Mr. F. D. Roosevelt, the President of the United States, after first reading a quotation from the Democratic platform of 1932, as follows: I quote:

We advocate an immediate and drastic reduction of governmental expenditures by abolishing useless commissions and offices, consolidating departments and bureaus, and eliminating extravagance, to accomplish a saving of not less than 25 percent in the cost of Federal Government.

Mr. Roosevelt agreed to this platform 100 percent.

I want to read now a statement made by the President of the United States at Pittsburgh, Pa., on October 19, 1932, when he referred to the Hoover administration:

That, my friends, is the most reckless and extravagant pace I have been able to discover in the statistical record of any peace-time government anywhere, any time.

Mr. Roosevelt, in his acceptance speech on July 2, 1932, stated, and I quote:

For 3 long years I have been going up and down this country preaching that government costs too much. I shall not stop the preaching.

He made this further statement in that speech:

I propose to you, my friends, that government be made solvent and that the example be set by the President of the United States.

One other quotation from the President of the United States, and I shall stop quoting at this particular time:

The people of America demand a reduction of Federal expenditure. It can be accomplished not only by reducing the expenditures of existing departments but it can be done by abolishing many useless commissions, bureaus, and functions, and it can be done by consolidating many activities of the Government.

He made that statement in Brooklyn, N. Y., on November 4, 1932.

THE PERFORMANCES

Mr. Speaker, just think of the President coming here to Congress and asking what functions of government do you advocate cutting off.

I am a good bit like the gentleman who just preceded me when he made the statement to the effect that the best friend of the President is the one who has the courage to tell him the truth. I have not anything against the President of the United States, and I would not do a thing in the world to harm him; but when the President makes statements about Government agencies, their consolidation and setting up new bureaus that he has made, and when you consider that during his administration so far he has put into force and effect more bureaus than any five Presidents in the history of this Nation, I cannot but wonder what he must think of his own promises to the American people. What must he think of himself when he goes back over his own administration and looks at his record, his promises, and his performances. Oh, what a shock he must get.

Mr. Speaker, I have listed here a number of the agencies of government he has established which I believe it would be very wise to disband at once as a start. I believe it would be wise to put through a reorganization plan such as suggested by Senator BYRNES so that we may get this Government to operating on an efficiency basis.

Mr. Speaker, if we do not consolidate Government agencies, and if we do not cut down governmental expenditures, we will swamp the American people with an overburdened organization. No business nor no nation under God's heaven can stand for the multiplicity of organizations, agencies, and corporations that our Government has and still survive.

Mr. CULKIN. Will the gentleman yield?

Mr. RICH. For just a very brief question.

Mr. CULKIN. Does not the gentleman realize that that whole question has been turned over to the heir apparent, Mr. James Roosevelt, who is the one charged with the responsibility of reorganizing the Government?

Mr. RICH. Well, I understand he has set up a new organization that he calls the "A. P.," which stands for "Assistant President." The President has put his son in charge of that department, a boy 30 years of age, to take charge of all the new organizations of government. If I were charged with the responsibility of appointing a man to a position of that kind, I would have considered only a man who had experience, a man who had been tried and tested, without endeavoring to experiment further with some young fellow who has not had any experience—and I make that statement regardless of whether it is his son or not. Of course, he may be the finest fellow in the world. I do not know anything about him. I do not know anything against him for which I would want to criticize; but it seems to me, if we want to coordinate these various departments of government, we should have a man who is qualified, a man who has been trained, a man who has had some experience, one who has the confidence of the American

people, and one who would properly handle this matter of reorganization of government and administer it efficiently. We have had enough experimenting; we must have the best practical and experienced men in responsible positions or we will wreck this Nation and lose our form of government. It is most serious, in my judgment.

That is the trouble with Mr. Roosevelt. He has so many incompetent, inexperienced, and radical advisers in his organization no wonder we are getting in such a deplorable situation as we find ourselves, overburdened in most every way.

I am now going to tell Mr. Roosevelt what bureaus I believe he should eliminate, and I will start on those he established first. I am not stating them in the order of importance in which I would eliminate them if I should take the time to give the matter deliberate thought and judgment. I would coordinate government functions so that every vacant house, every vacant office building, every hotel that could be bought, and every apartment house Government officials could get hold of would not be rigged up to give additional office space to take care of the thousands and thousands of extra Government employees we have in Washington at the present time. I can take you Members of Congress up in some of these buildings any time next week you want to go, and as you walk through the halls you will marvel at the many, many, Government employees who are standing around doing nothing. Drawing salaries and nothing to do, the taxpayers must stand the burden of political folly.

What agencies are we going to eliminate, Mr. Roosevelt? Let us cut out the E. H. F. A.—the Electric Home and Farm Authority. Mr. Roosevelt, let us cut out the R. E. A.—the Rural Electrification Administration. Mr. Roosevelt, let us cut out the Resettlement Administration. You know the Resettlement Administration built houses which cost \$15,000 apiece, and they are trying to put in those houses people who make less than \$900 a year; and they call that cheap housing. If there is any Member of Congress who would call that cheap housing, I would like him to hold up his hand, for I should like to see who he is, anyway. Well, nobody here want to hold up his hand to show that he thinks a \$15,000 house is a cheap house.

Then, Mr. Roosevelt, I would eliminate the P. W. A. The P. W. A. was shoved aside because of the many bungles it made and was taken over by its new father, the W. P. A., but they are both the same in the end. These two organizations have expended more public funds, yet to be repaid by future generations, than any two organizations we have established. Let the people back home administer relief funds, and not Washington politicians.

Then, Mr. Roosevelt, there is the C. S. B.—the Central Statistical Board. This Board was born here, in this House of Representatives, and I voted for it in order to help the various Government agencies get together so we could eliminate duplication of effort and cut down expense. I read their report, but I do not think they are functioning properly because they have not been given authority to segregate any of the various duplications in departments. They point out some things, but authority to segregate is lacking and we are duplicating our work to such a degree that we need some organization which has the power to do something faster and which will be able to accomplish real results.

Then, let us eliminate the F. E. R. A. and the E. C. W.—the Emergency Conservation Work, which is a duplication of some of these other organizations. We should also eliminate the N. E. C.—the National Emergency Council—and the N. L. R. B.—the National Labor Relations Board. The National Labor Relations Board was set up for the purpose of trying to eliminate strikes and settle difficulties, but since the Board has been established there have been more strikes in this country, twice over, than we have ever had in the history of this Nation in the same length of time. Instead of trying to settle difficulties the Board has created more trouble and more strife than it has adjusted difficulties. I think it is a real troublemaker for industry and labor.

Then we have the F. C. I. C.—the Federal Coordinator for Industrial Cooperation—and the National Power Policy Com-

mittee. Many of these functions are being duplicated. Besides we have many Government corporations that are usurping the rights and prerogatives of our citizens. Mr. Roosevelt, eliminate them, and then I will call your attention to many more after you accomplish this.

[Here the gavel fell.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. RAMSPECK, indefinitely, on account of illness in family.

To Mr. LEAVY, for today, on account of illness.

To Mr. HILDEBRANDT, for 5 days, on account of illness.

PERMISSION TO ADDRESS THE HOUSE

Mr. TABER. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Speaker, I ask unanimous consent that in this time I may be permitted to read a quotation from a statement by Mr. William Green.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Speaker, Mr. William Green appeared before the resolutions committee of the Republican national convention on June 10, 1936, and at that time made the following statement:

But I do not think labor is ready for a law giving the States or any agency of government power to fix wages of men in industry. Women and children have no parity of bargaining power. In that lies the difference between their situation and that of men in industry.

Workingmen are not yet ready, as I see it, to surrender their right of bargaining for wages to the Government.

Mr. Speaker, this statement was made when people were using their own minds to figure out what was before us, and that was the independent judgment on June 10, 1936, of the great spokesman of American labor.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. CULKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein extracts from a recent but unprinted report of the Federal Trade Commission on commodities such as wheat, corn, and dairy products.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this place in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CHURCH. Mr. Speaker, this special session of Congress was called for no other purpose than to make it appear that the administration was trying to improve the economic situation in the country, help the unemployed, help the laboring man, and help the farmer. This special session is nothing more than a "face-saving device." At the last session the New Deal accomplished nothing; and to hide their failures, this session was decided upon as a way to dramatize their professed interest in the welfare of the people.

We no more than met than the majority floor leader requested adjournment for 3 days. It thus became clear that the administration really had no constructive program. Not having any program to present to the Congress, the majority floor leader again and again requested that we adjourn for 3

days. He has made that motion several times, simply because he did not wish too much to be said about this Roosevelt recession, and simply because he does not want the people to know just how helpless his administration is.

Mr. Speaker, I have consistently objected to the adjournment motions of the majority floor leader because I believe this Congress can do something to help the unemployed, to improve business conditions, and increase consuming power. The people want decent wages instead of a dole. I have been objecting to the majority leader's adjournment motions because I want Congress immediately to proceed to lift the tax burdens off business so that capital will flow through productive channels and our people find permanent jobs. I want to keep this House in session until the New Dealers admit they made a serious mistake when they imposed the undistributed-profits tax on business, which has prevented the thousands of small businesses from functioning. I want to keep this House in session until the New Dealers awaken to the fact that the people want decent wages instead of a dole, and that we could take a truly constructive step to that end if we would immediately, without a week or day of delay, lift the New Deal tax burden off the small businesses throughout the country.

Such a step would not only help the unemployed and the industrial worker. It would also aid the farmer in marketing his products at higher prices.

(Mr. LAMBERTSON asked and was given permission to extend his own remarks in the RECORD.)

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 36 minutes p. m.), under its previous order, the House adjourned until Monday, November 22, 1937, at 12 o'clock noon.

CHANGES OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5522) granting an increase of pension to Mary E. Straube; Committee on Claims discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 5512) granting a pension to Minnie Mancell; Committee on Claims discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 5513) granting a pension to Sarah E. Linder; Committee on Claims discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MAY: A bill (H. R. 8453) to provide for a commissioned strength of 14,659 for the Regular Army; to the Committee on Military Affairs.

By Mr. HARRINGTON: A bill (H. R. 8454) to amend the act cited as the Farm Credit Act of 1933, as amended, to improve and safeguard the financial integrity of the Farm Credit Administration by effecting a better coordination of Federal lending and marketing activities, and for other purposes; to the Committee on Agriculture.

By Mr. FADDIS: A bill (H. R. 8455) to decrease unemployment, to amend the Pay Adjustment Act of 1922, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 8456) to decrease unemployment, to amend the Civil Service Retirement Act, and for other purposes; to the Committee on the Civil Service.

By Mr. MANSFIELD: A bill (H. R. 8457) to provide for the construction and maintenance, at Angleton, Tex., of a laboratory for the study of anaplasmosis in cattle; to the Committee on Agriculture.

By Mr. RANDOLPH: A bill (H. R. 8458) relating to age limits for persons seeking positions in the executive branch of

the Federal Government; to the Committee on the Civil Service.

By Mr. SHEPPARD: A bill (H. R. 8459) to create a Federal Crop Insurance Corporation, and for other purposes; to the Committee on Agriculture.

By Mr. SMITH of Washington: A bill (H. R. 8460) to authorize the city of Vancouver, Wash., to construct and maintain a historical memorial on the Vancouver Barracks Military Reservation, Wash.; to the Committee on Military Affairs.

By Mrs. ROGERS of Massachusetts: Resolution (H. Res. 354) directing the Tariff Commission to investigate the production costs of cotton yards and cloths; to the Committee on Ways and Means.

Also, resolution (H. Res. 355) to provide for the suspension of negotiations for trade agreements with Great Britain or Czechoslovakia; to the Committee on Ways and Means.

By Mr. BURDICK: Resolution (H. Res. 356) providing for the appointment of a Select Committee on Futures Trading to investigate and report to the House its findings and recommendations for further legislation as to futures trading in contract markets, especially as to short selling and margin requirements and as to alleged violations of the Commodity Exchange Act with reference especially, but not exclusively, to wash sales, cross trades, accommodation trades, and fictitious sales; providing an appropriation therefor; and for other purposes; to the Committee on Rules.

By Mr. BEITER: Resolution (H. Res. 357) requesting the Federal Emergency Administrator of Public Works to furnish the House of Representatives a list of non-Federal projects pending in the Federal Emergency Administration which have been examined and approved, and on which bond elections have been held or funds otherwise voted for which no Federal funds are now available; to the Committee on Appropriations.

By Mr. BLOOM: Joint resolution (H. J. Res. 507) authorizing the President of the United States of America to proclaim October 11, 1938, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

By Mr. GAMBRILL of Maryland: Joint resolution (H. J. Res. 508) authorizing the restoration and preservation of the frigate *Constellation*, and making Baltimore, Md., her home port; to the Committee on Naval Affairs.

By Mr. LEWIS of Maryland: Joint resolution (H. J. Res. 509) authorizing the President of the United States to enforce the Neutrality Act; to the Committee on Foreign Affairs.

By Mr. MEAD: Joint resolution (H. J. Res. 510) authorizing the President of the United States of America to proclaim October 11, 1938, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

By Mr. SAUTHOFF: Joint resolution (H. J. Res. 511) informing the President of the United States that a state of war exists between Japan and China; to the Committee on Foreign Affairs.

By Mr. SHEPPARD: Joint resolution (H. J. Res. 512) proposing an amendment to the Constitution of the United States relative to taxes on certain incomes; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DUNCAN: A bill (H. R. 8461) for the relief of S. L. Claypole; to the Committee on Claims.

By Mr. FORAND: A bill (H. R. 8462) to authorize the cancellation of deportation proceedings in the case of Grego Kleva; to the Committee on Immigration and Naturalization.

By Mr. MALONEY: A bill (H. R. 8463) for the relief of Kenneth A. Rotharmel; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3379. By Mr. MEAD: Petition of Local Union No. 44 of the National Leather Workers' Association, Gowanda, N. Y.; to the Committee on Ways and Means.

3380. By Mr. THOMASON of Texas: Petition of the First Methodist Church of Big Lake, Tex., expressing opposition to war and any policy on the part of this country that would endanger its peace and security; to the Committee on Foreign Affairs.

3381. By Mr. RUTHERFORD: Petition of the citizens of New Milford, Susquehanna County, Pa., opposing the proposed wage and hour bill; to the Committee on Labor.

3382. By Mr. KENNEDY of New York: Petition of the New York Turn Verein, New York City, concerning one Dietrich Worthman, who is not and never has been a member or an officer of the New York Turn Verein; to the Committee on the Judiciary.

3383. By Mr. TEIGAN: Petition of the farmers of Anoka County, Minn., requesting that legislation of a permanent nature be enacted providing for parity prices of farm products, an ever-normal granary, production control of major farm crops, other uses of submarginal land, continuance of the present soil-conservation program, and consumers' protection on farm products; to the Committee on Agriculture.

3384. Also, petition of the Eagle Bend National Farm Loan Association, requesting that the Federal Farm Loan Act be redrafted or amended in such manner that it will restore all of its cooperative features incorporated in it originally and, in addition, revert the \$4.50 per loan per annum, now paid by the Federal land bank to the various groups as a service allowance, to the individual associations; to the Committee on Banking and Currency.

SENATE

MONDAY, NOVEMBER 22, 1937

(Legislative day of Tuesday, November 16, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

HIRAM W. JOHNSON, a Senator from the State of California, and A. HARRY MOORE, a Senator from the State of New Jersey, appeared in their seats today.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, November 19, 1937, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. Mr. President, as it is reported the probability is that an agricultural bill will be reported to the Senate, noting the absence of a quorum, I ask for a roll call in order to secure the presence thereof.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	King	Pittman
Andrews	Davis	La Follette	Pope
Ashurst	Dieterich	Lee	Radcliffe
Austin	Duffy	Lewis	Russell
Bailey	Ellender	Lodge	Schwartz
Bankhead	Frazier	Logan	Schwellenbach
Barkley	George	Loneragan	Sheppard
Bilbo	Gerry	Lundeen	Shipstead
Bone	Gibson	McAdoo	Smith
Borah	Gillette	McGill	Steiwer
Bridges	Glass	McKellar	Thomas, Okla.
Brown, N. H.	Graves	McNary	Thomas, Utah
Bulkeley	Green	Maloney	Townsend
Bulow	Guffey	Miller	Truman
Burke	Hale	Moore	Tydings
Byrd	Harrison	Murray	Vandenberg
Byrnes	Hatch	Neely	Van Nuys
Capper	Hayden	Norris	Wagner
Caraway	Herring	Nye	White
Chavez	Hitchcock	O'Mahoney	
Clark	Johnson, Calif.	Overton	
Connally	Johnson, Colo.	Pepper	

Mr. LEWIS. I announce that the Senator from West Virginia [Mr. HOLT], the Senator from Delaware [Mr. HUGHES], and the Senator from North Carolina [Mr. REYNOLDS] are absent from the Senate because of illness.

The Senator from New Jersey [Mr. SMATHERS] is absent because of illness in his family.

The Senator from Michigan [Mr. BROWN], the Senator from Ohio [Mr. DONAHEY], the Senator from Nevada [Mr. McCARRAN], the Senator from Indiana [Mr. MINTON], the Senator from Massachusetts [Mr. WALSH], the Senator from Tennessee [Mr. BERRY], and the Senator from Montana [Mr. WHEELER] are necessarily detained from the Senate.

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present.

UNITED STATES CONSTITUTION SESQUICENTENNIAL COMMISSION

The VICE PRESIDENT. Under the provisions of Public Resolution 53, approved August 23, 1935, the Chair appoints the Senator from Kentucky [Mr. BARKLEY] as a member of the United States Constitution Sesquicentennial Commission, to fill the vacancy caused by the death of Hon. Joseph T. Robinson, late a Senator from the State of Arkansas.

AIRCRAFT AND AMERICAN MERCHANT MARINE

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the United States Maritime Commission, transmitting, pursuant to law, a report of the Commission recommending appropriate legislation to make applicable to aircraft engaging in foreign commerce certain provisions of the Merchant Marine Act, 1936, and also embodying the results of the Commission's study pursuant to section 212 (b) (2) on transoceanic aircraft service, which, with the accompanying report, was referred to the Committee on Commerce.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate petitions of several citizens of New York City, N. Y., praying for the prompt enactment of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching, which were ordered to lie on the table.

He also laid before the Senate papers in the nature of memorials from Southern California District Council No. 4, Maritime Federation of the Pacific Coast, San Pedro, Calif., remonstrating against the enactment of the so-called Pettengill bill, being the bill (H. R. 1668) to amend paragraph (1) of section 4 of the Interstate Commerce Act, as amended February 28, 1920 (U. S. C., title 49, sec. 4), known as the long-and-short-haul clause, which were referred to the Committee on Interstate Commerce.

TRIBUTES TO THE VICE PRESIDENT ON THE ANNIVERSARY OF HIS BIRTHDAY

Mr. BYRNES. Mr. President—

The VICE PRESIDENT. At the time the Senate took a recess on Friday last the Senator from Louisiana [Mr. OVERTON] had the floor, and the Chair recognizes the Senator from Louisiana. Does the Senator from Louisiana yield to the Senator from South Carolina?

Mr. OVERTON. I yield to the Senator from South Carolina and to other Senators who may desire to speak in honor of the occasion of which the Senator from South Carolina will remind the Senate.

Mr. BYRNES. Mr. President, I have asked the Senator from Louisiana to yield to me for the purpose of enabling me to call the attention of the Senate to the fact that this is the anniversary of the birthday of the Presiding Officer of the Senate, the Vice President of the United States.

Mr. President, for 25 years it has been my pleasure intimately to know the Vice President of the United States. For the greater part of that time I served with him in the House of Representatives. I think he was happier at that end of the Capitol because over there he could talk from the floor as well as off the floor. Since he has come to preside over this body, I am sure that he has won the respect and earned the affection of every Member of the Senate. Possess-